

**ANNUAL REPORT  
OF THE  
CHILD CUSTODY AND SUPPORT  
ADVISORY COMMITTEE**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**October, 2006**

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# INDIANA CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Judge Robyn Moberly  
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Sharon Bradford  
Indianapolis

### Staff

Eliza Houston  
Attorney for the Committee

Sarah Brooks  
Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## **I. STATUTORY DIRECTIVE**

The Indiana General Assembly enacted legislation (IC 33-24-11-6) directing the Committee to review custody and educational expenses and other items related to the welfare of a child of a family that is no longer intact. Specifically, the Committee is to consider the following in studying the child support guidelines:

- (1) The mathematics pertaining to the child support guideline chart.
- (2) The actual costs of supporting a child.
- (3) Whether it is appropriate to calculate child support guideline amounts based primarily upon the ability of the parent to pay rather than the financial needs of the child.
- (4) Equality of child support awards for the children of the parties, regardless of birth order.
- (5) A mechanism that may be employed to modify the amount of support to be paid due to a change in financial circumstances or a change in the number of children being supported by either parent.
- (6) The age of a child to the extent that the child may require different amounts of support at different ages.
- (7) Clarification regarding under what circumstances, if any, support may be abated.
- (8) A mechanism that may be employed to ensure that the guidelines are applied flexibly.
- (9) The application of the guidelines to a split custody situation.
- (10) Whether it is appropriate to base child support guidelines upon the premise that the child should enjoy the same standard of living that the child would have enjoyed if the family remained intact.

## **II. INTRODUCTION AND REASONS FOR STUDY**

See Section 1 above.

## **III. SUMMARY OF WORK PROGRAM**

The Committee met one time during the 2006 interim. The meeting was held at the State House on October 4, 2006. The Committee discussed interference with custody and other family law matters.

## **IV. SUMMARY OF TESTIMONY**

### ***Interference with Custody***

Testimony was given concerning a case involving interference with custody and urging modification of IC 35-42-3-4.

\_\_\_\_\_ The Committee discussed Preliminary draft (PD) 3293 concerning interference with custody. Specifically, PD 3293 deletes the requirement that an individual who fails to return a child commits interference with custody only if the individual takes the child outside of Indiana. PD 3293 also deletes the requirement that an individual who takes a child with the intent to deprive another person of custody or parenting time commits interference with custody only if the individual conceals the child. The Committee discussed amendments to PD 3293.

\_\_\_\_\_ *Other Business*

Testimony was given regarding concerns with the parenting time guidelines, child support guidelines, and other family law matters.

**V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Committee did not make any findings of fact.

The Committee members did not approve PD 3293, as amended, but the Committee members indicated that the legislative members could introduce the preliminary draft without the approval of the Committee

## WITNESS LIST

Amanda Brunner  
Robert L. Monday  
Joseph Dunagan  
Marge Hefner